



**Department of Energy**  
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DEPARTMENT OF ENERGY  
OFFICE OF REGULATORY COMPLIANCE

02-RCA-049

JAN 11 2002

Mr. Tom C. Fitzsimmons, Director  
State of Washington  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504

Mr. L. John Iani, Regional Administrator  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Addressees:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) NEGOTIATIONS AGREEMENT IN PRINCIPLE (AIP) FOR PLUTONIUM FINISHING PLANT (PFP)

Enclosed for your approval and signature is an AIP to commence Tri-Party Agreement negotiations for the PFP. This AIP establishes the expectations and parameters for the conduct of negotiations to develop appropriate Tri-Party Agreement commitments. This AIP has been reviewed and developed in conjunction with members of your staff. Should you have any questions, you may call me, or your staff may call Joel Hebdon, Director, Regulatory Compliance and Analysis Division, on (509) 372-2400.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith A. Klein", is positioned above the printed name.

Keith A. Klein  
Manager

RCA:JKY

Enclosure

cc w/encl:  
D. R. Sherwood, EPA  
M. A. Wilson, Ecology  
Administrative Record



## **HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (HFFACO)**

### **AGREEMENT IN PRINCIPLE**

#### **NEGOTIATION OF REQUIREMENTS FOR THE COMPLETION OF TRANSITION AND OTHER SELECTED ACTIVITIES PURSUANT TO TPA SECTION 8 TABLE 8.1 AT THE DEPARTMENT OF ENERGY'S PLUTONIUM FINISHING PLANT (PFP)**

**DECEMBER 12, 2001**

#### **INTRODUCTION:**

The U.S. Department of Energy (DOE) has determined that the remaining activities at Hanford's Plutonium Finishing Plant (PFP) include: 1) the stabilization of plutonium-bearing materials and treatment of wastes; 2) analytical laboratory support associated with stabilization; 3) building operations support; and 4) safeguards and security operations.

PFP transition and disposition activities will focus on work necessary for compliance with applicable laws. PFP transition and final disposition will focus largely on unnecessary above ground structures [other below ground facilities and land-based waste management units associated with PFP will be/addressed elsewhere within the Hanford Federal Facility Agreement and Consent Order (HFFACO)].

The Parties have entered into this Agreement In Principle (AIP) in order to define the Parties' intent in the negotiations and to establish the scope and schedule of the negotiations.

IN LIGHT OF THE PRECEDING, THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY (ECOLOGY), DOE, AND THE U. S. ENVIRONMENTAL PROTECTION AGENCY (EPA) AGREE TO THE FOLLOWING:

- A. To enter into negotiations intended to establish HFFACO Section 8 Facility Decommissioning Process milestones and target dates, using the applicable HFFACO requirements per Section 8.0, Table 8-1. The Parties will negotiate the Transition Phase as described in the transition project management plan. These negotiations will seek to establish milestones for scope of work covered under the current EIS and establish milestones for key decisions and follow-on negotiations, including any necessary under RCRA.



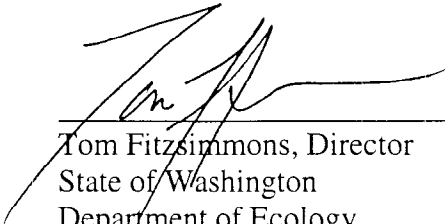
- B. That the Parties' negotiations will be conducted under the guidance of the following goals:
- 1) The PFP requirements will be established and implemented in a manner that does not limit or preclude future waste management options such as storage and treatment at receiving facilities [e.g., Central Waste Storage Complex (CWC) or the Waste Isolation Pilot Plant (WIPP)].

Section 8 of the HFFACO is the process the Parties will use for transitioning PFP and closure of existing RCRA-regulated units. This recognizes that RCRA is the baseline regulation for non-transition RCRA-regulated treatment and storage activities and the parties may exercise flexibility in establishing agreement milestones consistent with transition goals and defensible implementation of applicable rules.

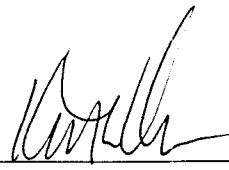
- C. To enter into negotiations to establish a revised HFFACO major milestone M-83-00 series governing the completion of PFP transition and the final disposition of selected PFP facilities.
- D. That Ecology, as the designated Lead Regulatory Agency for these negotiations, agrees to keep EPA, as the designated non-lead regulatory agency, appropriately and currently informed regarding all pertinent aspects of the negotiations. DOE agrees to provide, as appropriate, assistance as requested to support Ecology in providing briefings or documentation to the EPA. The Parties further agree to cooperate in providing periodic briefings to the State of Oregon, affected Indian Nations, the Hanford Advisory Board, and other stakeholders as required by HFFACO Section 8.
- E. To ensure their Headquarters staff are kept up to date on negotiation progress and issues, and to timely inform each other of any specific concerns that may impact negotiations.
- F. To conclude negotiations no later than February 28, 2002, and to resolve any unresolved issues resulting from the Parties negotiations under HFFACO Article VIII (Resolution of Disputes).
- G. That successful conclusion of negotiations shall be followed by an appropriate public comment period in accordance with the Community Relations Plan.
- H. To align PFP transition commitments with River Corridor and Central Plateau Strategies and other Tri-Party Agreement negotiations and established milestones (such as M-26 and M-91).



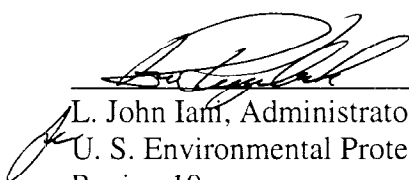
Agreed to this 30<sup>TH</sup> <sup>January, 2002</sup> day of ~~December 2001~~



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Tom Fitzsimmons, Director  
State of Washington  
Department of Ecology



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Keith Klein, Manager  
U. S. Department of Energy  
Richland Operations Office



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L. John Iam, Administrator  
U. S. Environmental Protection Agency  
Region 10